CONFERENCE ON DISARMAMENT

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REPORT OF THE AD HOC COMMITTEE ON RADIOLOGICAL WEAPONS

I. INTRODUCTION

1. In accordance with the decision taken by the Conference on Disarmament at its 578th plenary meeting held on 24 January 1991, as contained in document CD/1051, the Ad Hoc Committee on Radiological Weapons was re-established, for the duration of the 1991 session, with a view to reaching agreement on a convention prohibiting the development, production, stockpiling and use of radiological weapons. The Conference further decided that the Ad Hoc Committee would report to it on the progress of its work before the conclusion of its 1991 session.

II. ORGANIZATION OF WORK AND DOCUMENTATION

2. At that same plenary meeting, the Conference on Disarmament appointed Mr. Angus W.J. Robertson of Canada as Chairman of the Ad Hoc Committee. Mr. Michael Cassandra of the United Nations Department for Disarmament Affairs served as Secretary of the Ad Hoc Committee.

3. The Ad Hoc Committee held six meetings from 25 February to 12 August 1991. In addition, the Chairman held a number of informal consultations with delegations.

4. At their request, the representatives of the following 25 States not members of the Conference on Disarmament were invited to participate in the work of the Ad Hoc Committee: Angola, Austria, Chile, Costa Rica, Denmark, Finland, Greece, Iraq, Israel, Jordan, Kuwait, Malaysia, New Zealand, Norway, Oman, Portugal, Qatar, Senegal, Spain, Switzerland, Syrian Arab Republic, Turkey, United Arab Emirates, Uruguay and Zimbabwe.

5. In addition to various resolutions adopted by the United Nations General Assembly on the subject at its previous sessions, the Ad Hoc Committee had before it resolutions 45/58F and J adopted by the General Assembly at its forty-fifth session entrusting specific responsibilities to the Conference on Disarmament on this subject.

6. The following working papers were presented to the Ad Hoc Committee:

CD/RW/WP.91 dated 4 March 1991 entitled "Programme of Work for the 1991 session"

CD/RW/WP.92 dated 13 August 1991 entitled "Report of Contact Group A"

CD/RW/WP.93 dated 13 August 1991 entitled "Report of Contact Group B"

INDIANA

III. WORK DURING THE 1991 SESSION

7. At its 1st meeting on 25 February 1991, at the suggestion of the Chairman, the Ad Hoc Committee agreed that it continue the same method of work adopted since 1987, that is, that Contact Group A continue to consider the prohibition of radiological weapons in the "traditional" sense and that Contact Group B continue to consider issues relevant to the prohibition of attacks against nuclear facilities. */ He also recommended that the work of the two groups should be pursued as recommended in the 1990 report of the Ad Hoc Committee (CD/1027), that is, to draw upon the two annexes contained in that report as a basis for its work.

8. At the same meeting, the Ad Hoc Committee appointed Mr. Scott O.E. Omene of Nigeria to co-ordinate the work of Contact Group A and Mr. Guéorgui Dimitrov of Bulgaria to co-ordinate the work of Contact Group B.

9. The Ad Hoc Committee held a general exchange of views, after which its work was carried out principally in the framework of the Contact Groups as established above, supplemented by occasional, additional, brief, often informal meetings of the Ad Hoc Committee. On the basis of that work, the two Co-ordinators presented to the Ad Hoc Committee, at its 6th meeting on 12 August 1991, their respective reports (CD/RW/WP.92 and 93), which are reproduced in Annexes I and II to this report, reflecting the current state of consideration of the issues before the Ad Hoc Committee. It is understood that the contents of the Annexes are not binding on any delegation.

IV. CONCLUSIONS AND RECOMMENDATIONS

10. The work conducted by the Ad Hoc Committee during its 1991 session was useful in contributing further to the clarification of different approaches which continue to exist with regard to both the important subjects under consideration. It is recommended that the Conference on Disarmament re-establish the Ad Hoc Committee on Radiological Weapons at the beginning of its 1992 session and that the Ad Hoc Committee draw upon the Annexes to this report as a basis for its future work.

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*/ One delegation did not take part in the work on the prohibition of attacks against nuclear facilities.

ANNEX I

Report of Contact Group A

1. In accordance with the decision taken by the Ad Hoc Committee on Radiological Weapons at its first meeting on 25 February 1991, Contact Group A was re-established to continue consideration of the issues relevant to the prohibition of radiological weapons.

2. Contact Group A held 8 meetings from 4 March to 12 August 1991. In addition, the Co-ordinator held a number of informal consultations with delegations.

3. According to the guidelines set out during the first meeting of the Ad Hoc Committee, Contact Group A used as a basis for its substantive work the Co-ordinator's record as contained in the Report of the Ad Hoc Committee to the Conference on Disarmament in 1990 (CD/1027, Annex I, Attachment). The Contact Group reviewed the draft articles for a convention on the prohibition of radiological weapons contained therein. New alternatives were added to the texts on "Scope and Definitions" and new texts were elaborated on Review Conferences and Amendments under "Other Main Elements". The texts on "Verification and Compliance" and the "Annex" were also amended.

4. The amended Co-ordinator's record is attached to the report and reflects the current stage of the Contact Group's consideration of the question.

5. The Co-ordinator's record is not binding upon any delegation and does not preclude any delegation from introducing proposals to the text as a whole or the elements thereof at a later stage. It is recommended that it be appended to the Ad Hoc Committee's report to the Conference on Disarmament, as a basis for future work.

Attachment

DRAFT ARTICLES FOR A CONVENTION ON THE PROHIBITION OF RADIOLOGICAL WEAPONS

PREAMBLE

The States Parties to this Convention, hereinafter referred to as the "Parties to the Convention",

desiring to contribute to the realization of the purposes and principles of the Charter of the United Nations,

determined to act with a view to achieving progress towards general and complete disarmament under strict and effective international control, including the prohibition and elimination of all types of weapons of mass destruction as well as the development of new types of such weapons as radiological weapons,

....

bearing in mind that the prohibition of radiological weapons is a step in the process towards general and complete disarmament,

further bearing in mind longlasting effects of radioactive contamination on living creatures as well as on the environment,

Have agreed as follows:

I. SCOPE

Paragraph 1

First alternative

Each Party to the Convention undertakes to prohibit radiological weapons and hence never under any circumstances

(a) to disseminate deliberately any radioactive material, including radioactive waste, for the purpose of causing injury, death, damage or destruction by means of the radiation produced directly or indirectly by the decay of such material,

(b) to develop, produce, stockpile, otherwise acquire, possess or transfer any device specifically designed for the dissemination of radioactive material prohibited under (a) of this paragraph.

Second alternative

[Each Party to the Convention undertakes not to develop, produce, stockpile, otherwise acquire, possess, transfer or use under any circumstances Radiological Weapons as defined in Section II.] 1/

1/ Views were expressed that the second alternative of paragraph one of "Scope", combined with the second alternative of "Definitions" needed further study by all delegations to see whether this or modified language would provide a definition of a radiological weapon which would allow for the deletion of the first alternative and of paragraphs one and two of "Other Main Elements".

Paragraph 2

Each Party to the Convention undertakes to take any measures it considers necessary in accordance with its constitutional procedures and its international obligations anywhere under its jurisdiction and control to

(a) prohibit and prevent any activity which would constitute a violation of the obligations undertaken by the Parties to the Convention,

(b) prohibit the diversion and prevent the loss of radioactive material which could be used for purposes prohibited by this Convention.

Paragraph 3

Each Party to the Convention undertakes not to assist, encourage or induce anyone to engage in activities prohibited by the provisions of this Convention.

[II. DEFINITIONS]

First alternative

[For the purposes of this Convention the term "radiological weapon" means:

(i) any device specifically designed for the dissemination of radioactive material to cause [as its primary effect] injury, death, damage or destruction by means of the decay of such material,

(ii) any radioactive material specifically designed and prepared for employment, by its dissemination, to cause injury, death, damage or destruction by the decay of such material,

(iii) any other radioactive material if used for employment by its dissemination to cause injury, death, damage or destruction by the decay of such material.]

Second alternative

[For the purpose of the Convention, the term "radiological weapon" means any device containing radioactive material or waste as its principal harmful element and specifically designed or used to cause injury, death, environmental damage, or destruction through the direct or indirect effects of ionizing radiation, without involving the critical assembly of any fissile material.] 1/

1/ Views were expressed that the second alternative of paragraph one of "Scope", combined with the second alternative of "Definitions" needed further study by all delegations to see whether this or modified language would provide a definition of a radiological weapon which would allow for the deletion of the first alternative and of paragraphs one and two of "Other Main Elements".

III. PEACEFUL USES

Paragraph 1

Nothing in this Convention should be interpreted as affecting in any way

(a) the full exercise of the inalienable rights of all Parties to the Convention, without discrimination, to develop, acquire and use nuclear technology, equipment and materials for the peaceful use of nuclear energy and all peaceful applications of their nuclear programmes for economic and social development in accordance with their national priorities, needs and interests, bearing in mind the need to prevent the proliferation of nuclear weapons in all its forms. International co-operation in the peaceful uses of nuclear energy should be conducted under agreed and appropriate international safeguards applied on a non-discriminatory basis,

(b) the undertakings of Parties to the Convention to contribute to the fullest possible extent to international co-operation and assistance to ensure the development and effective implementation of adequate measures of protection for all States against the harmful effects of radiation.

Paragraph 2

Nothing in this Convention shall be interpreted as requiring or permitting a Party to the Convention to take measures which could affect the programmes of other States for peaceful uses of nuclear energy or technology for their economic or social development.

IV. OTHER MAIN ELEMENTS

Paragraph 1

The provisions of this Convention shall not apply to nuclear explosive devices or to radioactive material produced by them 1/.

Paragraph 2

Nothing in this Convention shall be interpreted as in any way legitimizing the development and the use of nuclear weapons or detracting from the obligations of States to refrain from the use or threat of use of such weapons 1/, 2/.

Paragraph 3

Parties to the Convention undertake to pursue urgently negotiations for the cessation of the nuclear arms race, the conclusion of effective measures to prevent the use or threat of use of nuclear weapons and the achievement of nuclear disarmament. 2/, 3/.

1/ Objections were raised against the need for this paragraph.

2/ A view was expressed that this subject might be better dealt with in the preambular part.

3/ Some delegations were of the view that such an undertaking was outside the purview of this Convention.

Paragraph 4

Nothing in this Convention shall be interpreted as in any way limiting or detracting from rules of international law, including

(a) the Charter of the United Nations,

(b) law applicable to armed conflicts,

(c) obligations assumed by Parties to the Convention under other international agreements.

Paragraph 5

Ten years after entry into force of the Convention, or earlier if requested by a simple majority of States Parties, a Conference of States Parties to the Convention shall be held at Geneva, Switzerland. The Conference shall review the operation of the Convention with a view to assuring that the purposes of the preamble and the provisions of the Convention were being realized. Such review shall take into account any relevant technological developments.

At intervals of not less than five years thereafter, a simple majority of the States Parties to the Convention may obtain by submitting a proposal to this effect to the Depositary, the convening of a Conference with the same objectives.

If no Conference has been convened pursuant to paragraph 2 of this Article within ten years following the conclusion of a previous Conference, the Depositary shall solicit the views of all States Parties to this Convention, concerning the convening of such a Conference. If one third of the States Parties respond affirmatively, the Depositary shall take immediate steps to convene the Conference.

Paragraph 6

Each State Party to the Convention undertakes as it considers appropriate to provide or support technical and humanitarian assistance in accordance with the provisions of the Charter of the United Nations, to any State Party which so requests, harmed as a result of a violation of the Convention by another State Party or as a result of the use of radiological weapons by a State not party to the Convention.

For purposes of assistance, the services of appropriate international organisations may also be utilized. 1/

1/ A view was held that, depending upon a decision as to whether the Convention should establish a small secretariat, the services of such a secretariat may also be utilized.

Paragraph 7

Any State Party to this Convention may propose amendments to the Convention. The text of any proposed amendment shall be submitted to the Depositary, who shall promptly circulate it to all States Parties.

An amendment shall enter into force for all States Parties to this Convention which have accepted it, upon the deposit with the Depositary of instruments of acceptance by a majority of States Parties. Thereafter it shall enter into force for any remaining State Party on the date of deposit of its instrument of acceptance.

Paragraph 8

The Secretary-General of the United Nations shall be the Depositary of this Convention.

V. VERIFICATION AND COMPLIANCE

Paragraph 1

Parties to the Convention shall exchange to the fullest possible extent, bilaterally or multilaterally, information necessary to provide assurance of fulfilment of their obligations under the Convention.

Paragraph 2

Parties to the Convention undertake to consult one another and to co-operate in solving any problems which may be raised in relation to the objectives of, or in the application of, the provisions of the Convention.

Consultation and co-operation pursuant to this paragraph may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter. These international procedures may include the services of appropriate international organizations, as well as of a Committee of Experts. For these purposes the Depositary shall, within one month of the receipt of a request from any State Party to the Convention, convene a Committee of Experts.

Paragraph 3

Each Party to the Convention which has reasons to believe that any other Party to the Convention is acting in breach of the obligations deriving from the provisions of the Convention may lodge a complaint with the Depositary. Such a complaint shall include all relevant information as well as all possible evidence supporting its validity. In order to evaluate such information, the Depositary may convene the Committee of Experts.

The Depositary, assisted by the Committee of Experts, shall [to the extent possible] conduct an investigation of the alleged facts, whenever the evaluation of the information provided to him indicates that such an investigation is warranted.

The Committee shall transmit to the Depositary a summary of its findings of fact, incorporating all views and information presented to the Committee during its proceedings. The Depositary shall distribute the summary to all Parties to the Convention and to the Security Council and shall indicate his conclusions and suggestions for possible action. In case of urgency ,the Depositary may request the Committee to submit its report within 10 days.

Paragraph 4

Each Party to the Convention undertakes to co-operate to the fullest possible extent with the Committee of Experts, in accordance with the provisions of the Charter of the United Nations.

Paragraph 5

The functions and rules of procedure of the Committee of Experts mentioned in the above Paragraphs 2, 3, and 4 are set out in the Annex, which constitutes an integral part of the Convention.

Paragraph 6

The provisions of Paragraph 3 of this section shall not be interpreted as affecting the rights and duties of Parties under the Charter of the United Nations, including bringing to the attention of the Security Council concerns about compliance with this Convention.

ANNEX

1. The Committee of Experts shall undertake to make appropriate findings of fact and provide expert views relevant to any problem raised pursuant to the Convention by the Party requesting the convening of the Committee. It may be requested by the Depositary to carry out investigations in case of complaints lodged by a Party to the Convention.

2. The work of the Committee of Experts shall be organized in such a way as to permit it to perform the functions set forth in Paragraph 1 of the Annex. In the process of such investigations, including fact-finding, every effort should be made to apply appropriate methods and procedures which are non-discriminatory and which do not unduly interfere with the internal affairs of other States or jeopardize their economic and social development. [The Committee of Experts shall be assisted by the Secretariat located in Geneva, whose functions will include technical and administrative services.]

3. The Depositary shall:

- compile and maintain a list of qualified experts whose services may be available for the work of the Committee of Experts in accordance with Paragraphs 1 and 2 of the Annex;

- base the list of qualified experts on proposals which had been made to him by Parties to the Convention;

- appoint members of the Committee of Experts from such a list with due regard to ensuring appropriate geographical balance and to the character of the question involved.

4. The Depositary or his representative shall serve as the Chairman of the Committee.

5. Each expert may be assisted at meetings by one or more advisers.

6. Each expert shall have the right, through the Chairman, to request from States, and from international organizations, such information and assistance as the expert considers desirable for the accomplishment of the Committee's work. Each Party undertakes not to use deliberate concealment measures which impede verification of compliance with the Convention.

ANNEX II

Report of Contact Group B

1. In accordance with the decision taken by the Ad Hoc Committee on Radiological Weapons at its 1st meeting on 25 February 1991, Contact Group B was re-established to continue consideration of the issues relevant to the prohibition of attacks against nuclear facilities.

2. Contact Group B held 8 meetings from 18 March to 12 August 1991. In addition, the Co-ordinator held a number of informal consultations with delegations.

3. According to guidelines set out during the 1st meeting of the Ad Hoc Committee, Contact Group B used as a basis for its substantive work the Co-ordinator's record as contained in the Report of the Ad Hoc Committee to the Conference on Disarmament in 1990 (CD/1027, Annex II, Attachment). The Contact Group reviewed the possible elements relevant to the prohibition of attacks against nuclear facilities contained therein. A number of modifications were made to the Co-ordinator's record, focused mainly on the questions of Register and Verification and Compliance.

4. The amended Co-ordinator's record is attached to the report and reflects the current stage of the Contact Group's consideration of the question.

5. The Co-ordinator's record is not binding upon any delegation and its main purpose is to facilitate future consideration. It is recommended that it be appended to the Ad Hoc Committee's report to the Conference on Disarmament, as a basis for future work.

Attachment

POSSIBLE ELEMENTS RELEVANT TO THE PROHIBITION OF ATTACKS AGAINST NUCLEAR FACILITIES 1/ 2/

I. SCOPE

Paragraph 1

First alternative

Each State Party undertakes never under any circumstances to attack nuclear facilities covered by this Treaty.

Second alternative

Each State Party undertakes never under any circumstances to attack or to threaten to attack any nuclear facility.

Third alternative 3/

Each State Party undertakes never under any circumstances to release and disseminate radioactive substances by attacking nuclear facilities covered by this Treaty.

Paragraph 2

Each State Party undertakes not in any way to assist, encourage or induce any person, State, group of States, or international organization to act in contravention of this Treaty.

1/ This record does not prejudice the eventual positions of delegations relating to the question of "linkage", or the positions of delegations on the question of the need of having additional legal protection for nuclear facilities. As to the latter, a view was expressed that additional discussion on existing international agreements pertaining to the question is needed.

2/ One delegation stated that, apart from the fact that the elements listed were controversial, the third alternative under Scope, paragraph 1 of the Definitions and the sections on Criteria and Special Marking were not essential to the elaboration of a convention. The section on Special Marking could have been recast within the section on Register. That was not, however, the case of the other elements mentioned, particularly the section on Criteria, which, in its opinion, seemed incompatible with the rule of jus cogens in article 2, paragraph 4, of the Charter of the United Nations.

3/ Some delegations stated that the third alternative of Scope based on the criterion of mass destruction read in conjunction with the first alternative of paragraph 2 of Definitions, paragraph 1 of Criteria, paragraph 1 to 3, the first alternative of paragraph 4, paragraphs 5 and 6 of Register as well as Special Marking in Paragraph 1 under Other Main Elements constitute one complete and consistent set of elements to be included in a draft Treaty.

II. DEFINITIONS

Paragraph 1

For the purposes of this Treaty, the term "attack" means any act by a State which is designed to cause or causes, directly or indirectly:

(i) any damage to, or the destruction of, a nuclear facility; or

(ii) any interference, interruption, impediment, stoppage or breakdown in the operation of a nuclear facility; or

(iii) any injury to, or the death of, any of the personnel of a nuclear facility.

Paragraph 2

First alternative

For the purpose of this Treaty, the term "nuclear facilities" means: 1/

(i) Nuclear reactors;

(ii) Intermediate spent fuel storages;

(iii) Reprocessing plants;

(iv) Waste deposits, including temporary waste storages;

(v) Installations for production or use of important and intensive sources of gamma radiation; 2/

which are included in a Register maintained by the Depositary.

Second alternative

A nuclear facility means a nuclear reactor or any other facility for the production, handling, treatment, processing or storage of nuclear fuel or other nuclear material.

1/ A suggestion was made to add two further categories after "(iii) Reprocessing plants;"

(iv) Nuclear fuel processing plants;

(v) Uranium enrichment plants.

2/ A view was expressed that this provision should be further refined.

III. CRITERIA

Paragraph 1

The nuclear facilities mentioned in paragraph 2 of Definitions shall meet the following specifications: 1/

(i) They shall be stationary on land; 2/ 3/

(ii) Nuclear reactors; designed for a thermal power which could exceed 1 [10] Megawatt, shall have reached their first criticality and shall not have been decommissioned;

(iii) Intermediate spent fuel storages; designed for storing radioactive material exceeding 10^{17} [10^{18}] Bq;

(iv) Reprocessing plants; designed for containing radioactive material exceeding 10^{17} [10^{18}] Bq;

(v) Waste deposits: containing radioactive material exceeding 10^{17} [10^{18}] Bq;

(vi) Installations for production or use of intensive sources of gamma radiation: designed to contain radioactive material whose gamma-radiation-dissipated power is equal to or greater than 6×10^{16} [10^{17}] Bq x Mev.

Paragraph 2

Additional specification suggested to the above specifications:

Nuclear facilities mentioned in paragraph 2 of Definitions which are under the safeguards of the International Atomic Energy Agency are covered by the provision of this Treaty.

1/ Views were expressed that nuclear facilities mentioned in paragraph 2 of Definitions shall be used for peaceful purposes and subject to IAEA safeguards.

2/ Views were expressed that nuclear facilities stationed in territorial waters and the exclusive economic zones should also be considered.

3/ Views were expressed that such nuclear facilities should not belong to weapons systems.

IV. REGISTER

Paragraph 1

The Depositary shall establish, on the basis of initial communications by States Parties, as set out in paragraph 2 below, a comprehensive Register of nuclear facilities covered by this Treaty, and shall maintain this Register on the basis of subsequent communications on changes, as set out in paragraph 5 below.

Certified copies of the Register shall be transmitted to each State Party ... days after entry into force of the Treaty.

Certified copies of the Register in its entirety including all modifications shall be transmitted to each State Party at intervals of ... and be available to States Parties at any time in the offices of the Depositary.

Paragraph 2

States Parties requesting that nuclear facilities under their jurisdiction be included in the Register shall for each such facility communicate to the Depositary the following written information:

(a) Identification of the type of nuclear facility;

(b) Detailed specifications in accordance with Paragraph 1 of Criteria of this Treaty;

(c) Details on the exact geographical location of the nuclear facility.

Paragraph 3 1/

Upon receipt of a request for an inclusion in the Register, the Depositary shall without delay initiate procedures to confirm that the information contained in the request is correct:

(a) Through, to the extent possible, documentation from the IAEA; and/or

(b) Through other means, including a mission to the facility, when necessary.

For the purpose of carrying out the procedures in paragraph 3 (a) above the Depositary may, as it deems necessary, enter into agreement with the IAEA.

For the purpose of carrying out the procedures in paragraph 3 (b) above the Depositary shall, with the co-operation of States Party to the Treaty, compile and maintain a list of qualified experts, whose services could be made available to undertake such missions.

1/ A view was expressed that this provision calls for further

Paragraph 4

First alternative

The Depositary shall include the facility in the Register as well as the information required by paragraph 2 of this section, as soon as the information given in the request has been confirmed according to paragraph 3 above, and shall immediately notify States Parties to the Treaty of the aforesaid inclusion.

Second alternative

The Depositary shall include the facility in the Register as well as the information required by paragraph 2 of this section and shall immediately notify States Party to the Treaty of aforesaid inclusion.

Paragraph 5

A State Party shall inform the Depositary, within ...days/months, of any change in the information it had provided for inclusion in the Register. Upon the receipt of such information, the Depositary shall act, mutatis mutandi, in accordance with the procedures outlined in paragraphs 3 and 4 of this section.

Paragraph 6 1/

The costs for implementing these procedures shall be borne by the requesting State.

V. VERIFICATION AND COMPLIANCE

Paragraph 1

States Parties to this Treaty shall make every possible effort to consult one another and to co-operate in solving any problems which may be raised in relation to the objectives of, or in the application of the provisions of, the Treaty.

Paragraph 2

A State Party may lodge a complaint with the Depositary in case it believes that any other State Party is in breach of obligations deriving from this Treaty. Such complaint shall include all relevant information and all possible evidence supporting the validity of the complaint.

1/ There was general agreement that the modalities as well as the

Paragraph 3

First alternative

Within ... days of the receipt of a complaint from any State Party the Depositary shall initiate an investigation to ascertain facts relevant to the complaint. Such an investigation may include a fact-finding mission to or at the site of the nuclear facility concerned and to any other site as may be appropriate. The fact-finding mission shall submit its findings to the Depositary within ... days.

Second alternative

Within ... days of the receipt of a complaint from any State Party the Depositary shall initiate an investigation to ascertain facts relevant to the complaint. Such an investigation shall include a fact-finding mission to or at the site of the nuclear facility concerned and to any other site as may be appropriate. The fact-finding mission shall submit its findings to the Depositary within ... days.

Paragraph 4

For purposes of carrying out a fact-finding mission the Depositary shall maintain a list of qualified experts, selected on as wide a geographical basis as possible, whose services may be available to undertake such missions.

Paragraph 5

States Parties undertake to co-operate in carrying out the investigation which the Depositary may initiate on a complaint received from any State Party. The Depositary shall inform the States Parties of the results of the investigation. A copy of the report on the investigation shall be transmitted also to the Security Council and the General Assembly of the United Nations.

Paragraph 6

First alternative

The Depositary shall, upon request of a State Party, convene the Conference of States Parties to consider the report on the investigation as well as possible courses of action.

Second alternative

The Depositary shall immediately convene the Conference of States Parties to consider the report on the investigation and to adopt such measures as may be appropriate.

Paragraph 7

First alternative

The continuing application of IAEA safeguards at a nuclear facility will form an essential part of the arrangements to verify that the facility is a peaceful nuclear facility within the meaning of the Treaty. 1/ 2/

Second alternative

The determination that a facility is and remains a peaceful nuclear facility within the meaning of the Treaty shall be made by the application of IAEA safeguards. 1/ 2/

Third alternative

The application of IAEA safeguards to a nuclear facility shall be of no relevance to the verification of compliance with obligations assumed by States Parties to this Treaty.

VI. OTHER MAIN ELEMENTS

Paragraph 1

A State Party may mark its nuclear facilities included in the Register with Special Marking.

Paragraph 2 3/ 4/ 5/

States Parties undertake to provide or support assistance to any State Party harmed as a result of the violation of the Treaty.

Paragraph 3

Provisions of this Treaty are without prejudice to the obligations of State Parties undertaken in other international instruments relevant to the subject of this Treaty.

Paragraph 4

The Secretary-General shall be designated as Depositary of this Treaty.

1/ It was stated that the application of IAEA safeguards was irrelevant to the objectives of this Treaty and that if anyway addressed, the issue belonged under the provisions for inclusion in the Register.

2/ The view was expressed that the application of IAEA safeguards could not verify that a nuclear facility was a peaceful one but rather that nuclear material remained in peaceful use.

3/ A view was expressed that the obligation of States Parties to provide assistance was limited to the radiological damage caused by an attack.

4/ Views were expressed that the assistance to be provided or supported to any harmed State Party should not be limited to cases of violations by States Parties, but should also cover harm inflicted by attacks